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10/037,998	01/03/2002	Anthony Dezonno	6065-83768	6597

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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2457

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/037,998	Applicant(s) DEZONNO ET AL.	
	Examiner YVES DALENCOURT	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/15/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to amendment filed on 09/15/2008.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 8, 15 – 16, and 29 – 30.

Response to Arguments

Applicant's arguments with respect to claims 1 – 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 8 is objected to because of the following informalities: It is suggested to delete “ to “ (before the e website in line 2) and insert ---from --- . Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 15, and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 2457

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 15, and 29, the limitation of “ **automatically recovering** and analyzing browser associated information relating to the request prior to human agent assignment “ (claims 1, 15, and 22, lines 5 and 6) is not described in the specification. It has not been disclosed how the step of **recovering and analyzing** is done **automatically**. Therefore, one skilled in the art would not know how to make and/or use the invention. Applicant’s specification only recites that “*the selected agent may automatically initiate a communication session with the requesting customer 16, 18 while at the same time displaying the transferred contact information (see paragraph [0029]).*”

The Examiner has not given any patentable weight to the added limitation since there is no support for such limitation in the specification.

Therefore, the rejection is maintained and sustained as follow:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 7, 15 – 21, and 29 - 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wen et al (US 2002/0161896; hereinafter Wen).

Regarding claim 1, Wen discloses a method of establishing communication sessions through the Internet (fig. 1), such method comprising: receiving a request from an Internet requester by a website for a communication session with an human agent of the website (100, fig.1; paragraphs [0018] and [0028]; Wen discloses that the chat session can be transferred to another agent on the same server, such as **a person** within the same company (**claimed human agent**)); analyzing browser associated information relating to the request (paragraph [0019]; Wen discloses that the customer 100 explains the reason for the communication); and selecting a human agent for the communication session based upon a content of the analyzed browser associated information (paragraph [0019]; Wen discloses that the agent 120A may be able to handle the communication or may simply be the gateway, or may not be able to assist the customer 100).

Regarding claim 2, Wen discloses the method of establishing communication sessions as in claim 1 wherein the step of analyzing browser associated information further comprises retrieving a list of router identifiers defining a path from the Internet requester to the website (paragraphs [0027] and [0036]; Wen discloses that the list may be names, URLs, Hyperlinks, etc).

Regarding claim 3, Wen discloses the method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the requester (paragraph [0036]).

Regarding claim 4, Wen discloses the method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying an agent in the identified locale of the closest relative router (paragraph [0036]).

Regarding claim 5, Wen discloses the method of establishing communication sessions as in claim 4 wherein the step of analyzing browser associated information further comprises determining an organizational affiliation of the requester from a domain name of the request (paragraph [0049]; Wen discloses that the credentials may be, for example the name, **electronic address**, or other identification of the requester).

Regarding claim 6, Wen discloses the method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization (paragraphs [0032] and [0037]).

Regarding claim 7, Wen discloses the method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent (paragraphs [0028], [0032], and [0041]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 – 11, 22 – 28, and 35 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen et al (US 2002/0161896; hereinafter Wen) in view of Landsman et al (US 6,785,659; hereinafter Landsman).

Regarding claim 8, Wen discloses substantially all the limitations in claim 1, but fails to specifically disclose the step of retrieving a set of shared files from a browser of the requester.

However, Landsman shows in an analogous art, the step of retrieving to the website a set of shared files generated by a browser of the requester (col. 11, lines 1 – 7; col. 19, lines 22 - 46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wen by incorporating the step of retrieving a set of shared files from a browser of the requester as evidenced by Landsman for the purpose of quickly and reliably rendering the files with essentially no

Art Unit: 2457

downloading delay, thus providing a highly pleasing user experience with requesting rich media files.

Regarding claim 9, Wen and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a set of file extension of the shared files (col. 19, lines 22 - 67). The motivation for claim 8 also applies for claim 9.

Regarding claim 10, Wen and Landsman show all the limitations in claim 9, and Wen further shows the step of comparing the file extensions with a communications capability index (paragraph 0033).

Regarding claim 11, Wen and Landsman show all the limitations in claim 10, and Wen further shows the step of selecting the agent further comprises searching for an agent with a communication capability index substantially equal to the requester (paragraph 0033).

Regarding claim 12, Wen and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a URL of a competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)).

Regarding claim 13, Wen and Landsman show all the limitations in claim 12, and Landsman further shows that the competitor further comprises an identifier of a webpage of a specific product of the competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)).

Regarding claim 14, Wen and Landsman show all the limitations in claim 13, and Wen further shows the step of selecting the agent further comprises searching for an agent with knowledge of the specific product of the competitor (paragraph 0029).

Claims 15 – 38 incorporate substantially all the limitations of claims 1 – 14 in apparatus form, rather than in method form. The rejections of claims 1 – 14 apply to claims 15 – 38. Thus, claims 15 – 38 are rejected substantially for the same reasons.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Therhault et al (US 6,049,821) discloses a proxy host computer and method for accessing and retrieving information between a browser and a proxy.

Weisman et al (US 20030110079) discloses a method and apparatus for providing items to users in a computer network (**see paragraph [0030] for the URL competitor limitation**).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457